



November 22, 2023

VIA ECF

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: LV, et al. v. New York City Dept. of Educ., et al., No. 03 Civ. 9917

Dear Judge Preska:

Pursuant to Paragraph 11 of your order on May 14, 2021 appointing me as Special Master on the above referenced lawsuit, I am writing to you to request the assistance of expert consultants to support the administration of my duties. Specifically, I need technical support evaluating DOE's current efforts implementing new technology solutions that are directly related to nineteen of the forty obligations detailed in your Order issued on July 19, 2023.

I am therefore requesting the support of Christine Pascarella and Lindsay McRory, bios included at the bottom of this letter, to conduct an independent review of:

- Efforts underway to implement IHMS, a new custom solution being developed by IBM to support DOE's impartial hearing processes.
- Efforts underway to enhance and stabilize DAITS, the current technology solution built by DOE that is being used to support the implementation of orders (IHMS will eventually replace DAITS).

Their work efforts conducting this review will include:

- Reviewing all available technical documentation developed by DOE and/or IBM related to developing IHMS and enhancing/stabilizing DAITS
- Conducting knowledge transfer from Special Master and team.
- Interviewing select DOE personnel responsible for overseeing and managing the implementation of IHMS and/or enhancing/stabilizing DAITS (assuming 6-8 individuals)
- Interviewing IBM personnel responsible for developing and implementing IHMS (assuming 2-3 individuals)
- Developing an independent assessment report that will include, but not be limited to answering the following questions:
 - Will the choice of IHMS software / platform satisfy requirements or result in high levels of customization, workarounds, and complexity that leads to higher maintenance costs

- and poor extensibility?
- o Does the underlying technology/architecture being considered by IBM allow for flexible extensibility that can be managed and maintained by DOE?
 - o Are the staffing levels assigned to the project (both DOE and IBM) adequate?
 - o Is there good process compliance to ensure the system requirements are addressed?

For this initial assessment, I am estimating it will take them 60 hours to complete their work at a requested hourly rate of \$350.00.

Additionally, because Paragraph 39 of your Order dated 7/19/23 directs me to file a report with the Court every 120 days, I am requesting the support of these expert consultants to advise me on the technical components of my review. I anticipate that their support could include 20-30 hours of support for each report.

As per your Order, I have shared this letter with the parties and have revised this letter based on their comments.

In seeking your approval, I also request that the aforementioned consultants be subject to the same confidentiality measures to which me and my team are bound (as set forth in paragraph 5 of the May 14, 2021 Order and paragraph 9 of the Order issued November 4, 2021).

Thank you for your consideration in this matter.

Yours sincerely,



David Irwin
Thru Consulting LLC

cc: Jeff Dantowitz, Esq.
Jasper Perkins, Esq.
Rebecca Shore, Esq.
Elizabeth Vladick, Esq.

The Special Master may hire Ms. Pascarella and Ms. McRory to assist in the independent review of DOE's implementation of new technology solutions and to advise the Special Master on the technical components of the review, at the fee rates proposed in Mr. Irwin's letter. Ms. Pascarella and Ms. McRory shall be subject to the same confidentiality requirements that this Court has previously imposed on the Special Master and his team in this action, (see dkt. nos. 273, 285).

SO ORDERED.

Dated: November 27, 2023.



LORETTA A. PRESKA, U.S.D.J.

Biographies for Expert Consultants

Lindsay McRory has more than 30 years of experience in application architecture, application development and software engineering. Lindsay was most recently a Senior Vice President at Gartner Consulting where he led the Global Applications Practice, and was responsible for the firm's work in the areas of Application Development, Application Architecture and Integration. Lindsay has extensive experience in large scale application portfolio management, large systems design and implementation, including providing oversight for more than 15 large scale NYC government application implementations. Prior to joining Gartner, Lindsay served as the Chief Technology Officer for a leading global developer of e-commerce and transaction processing software.

Christine Pascarella has over 25 years of experience working to define and execute effective IT strategy that supports positive business outcomes across commercial enterprises and all levels of federal, state, and local government. Christine is able to leverage her vast experience on all sides of technology services and implementations having served as CIO of the New York City Department of Small Business Services, as a decade long strategic advisor and Senior Expert Partner leading Gartner Consulting's North America Applications Practice, and most recently as the Chief of Client Outcomes for the public-sector focused product and service implementor GCOM Software. This unique perspective helps Christine advise clients on their critical technology investments as well as how they can best structure their teams for successful software implementations and operations.